

NATHAN A. KAHN

JANUARY 31, 1956.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H. R. 8307]

The Committee on the Judiciary, to whom was referred the bill (H. R. 8307) for the relief of Nathan A. Kahn, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

This proposed legislation was transmitted to the Speaker of the House and referred to this committee for consideration, and after careful review your committee recommends favorable consideration of the bill. Letter from the Secretary of the Army is as follows:

DEPARTMENT OF THE ARMY,
Washington 25, D. C., November 9, 1955.

HON. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is inclosed herewith a draft of a proposed bill for the relief of Nathan A. Kahn, which it is recommended be enacted into law. This proposed legislation is submitted by the Department of the Army in accordance with the procedures prescribed by the Secretary of Defense.

The purpose of this legislation is to provide for the payment of \$1,568.40 to 1st Lt. Nathan A. Kahn, United States Army Reserve, 2915 Blackshear Avenue, Pensacola, Fla., for the damages sustained by him on account of the loss and destruction of his household goods and personal effects by fire. This loss occurred while the officer was on active duty in the Army of the United States and the personal property was bailed to an agent of the United States incident to transportation in connection with orders releasing Lieutenant Kahn from active duty.

The records of the Department of the Army show that Nathan A. Kahn was born at Mobile, Ala., on April 1, 1930. He graduated from the University of Alabama in 1952 and, having completed the required training in the Army Reserve Officers' Training Corps at that institution, he was appointed a second lieutenant in the Officers' Reserve Corps on May 20, 1952. Second Lieutenant Kahn, service No. O-2005186, was ordered to extended active duty effective August 4, 1952, for 24 consecutive months. He was appointed a Reserve commissioned officer in the Army of the United States in the grade of first lieutenant on May 2, 1954. First Lieutenant Kahn was relieved from active duty on May 3, 1954, and, incident to his reversion to inactive status, he was assigned to the

United States Army Reserve Control Group (Reinforcement) of the Military District of Alabama.

On April 27, 1954, while this officer was stationed at Fort McPherson, Ga., he received orders directing him to proceed to his home of record in Mobile, Ala., on May 2, 1954, and releasing him from active duty effective May 3, 1954. Pursuant thereto, and on orders of the transportation officer, at Fort McPherson, Ga., his household goods and personal effects were stored in the warehouse of the Washburn Storage Co., 268 Marietta Street NW., Atlanta, Ga. During the night of April 30, 1954, a fire broke out in the storage company's warehouse resulting in extensive damage to and destruction of various property stored therein, including the personal property belonging to Lieutenant Kahn.

This officer, on December 7, 1954, filed a claim with the Department of the Army under the provisions of the Military Personnel Claims Act of 1945 (59 Stat. 225; 31 U. S. C. 222c), as amended, for reimbursement of his loss in the amount of \$7,564.25. In connection with the submission of this claim Lieutenant Kahn stated:

"* * * I received two checks from the General Adjustment Bureau [Atlanta, Ga.] and Washburn [Storage Co.] in payment of their liability at the rate of 30 cents per pound. This amounted to \$327 [1,090 pounds at \$0.30 per pound] and of course I realized I had to make a claim on the Government for the difference."

The claim submitted to the Department of the Army was processed under regulations prescribed by the Secretary of the Army in accordance with the Military Personnel Claims Act of 1945, *supra*. After giving effect to depreciation of the items involved in the claim, it was determined by this Department that the claim was meritorious in the amount of \$4,395.40. However, the act of July 3, 1952 (Public Law 439, 82d Cong.; 66 Stat. 321), placed a maximum limitation of \$2,500 on the amount which could be paid administratively under the provisions of the Military Personnel Claims Act of 1945, which was the only statute under which the claim could be considered. Accordingly, First Lieutenant Kahn's claim has been allowed administratively in the amount of \$2,500, and a check in that amount has been sent to him. After the making of said payment, and after taking into account the amount of \$327 received by Lieutenant Kahn in payment of the liability of the storage company, there remains a balance of damages sustained by the claimant in the sum of \$1,568.40, for which he has not heretofore been compensated. There is no method by which he may be reimbursed for the remaining portion of this loss except through the enactment by the Congress of private legislation.

All of the personal property, for the damage to which this claim has been determined to be meritorious, was reasonable, useful, necessary, or proper for the claimant to have owned and possessed under the attendant circumstances. The loss occurred incident to the service while the property was bailed to an agent of the United States and without any fault or neglect on the part of Lieutenant Kahn.

The claimant in this case is a young, married Reserve officer. It would be a rather severe hardship for him to bear the loss sustained as a result of this fire. It is the view of the Department of the Army that under the facts and circumstances, this claimant is justly and equitably entitled to recover the full amount of damages sustained by him. The Department, accordingly, recommends the enactment of this proposed legislation granting an award to the claimant in the sum of \$1,568.40.

The Congress, from time to time, has considered favorably claims of members of the Armed Forces for loss of personal property in excess of the \$2,500 limitation placed upon administrative payments under the provisions of the Military Personnel Claims Act of 1945. Cases similar to the subject case enacted by the 83d Congress include Private Law 494, for the relief of Paul G. Kendall (H. R. 5025); Private Law 497, for the relief of Walter Carl Sander (H. R. 685); and Private Law 932, for the relief of S. Sgt. Frank C. Maxwell (H. R. 7835).

The cost of this bill, if enacted, will be \$1,568.40.

The Bureau of the Budget advises that there is no objection to the submission of the proposed bill for the consideration of the Congress.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.